

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
(Stamford, Connecticut and
Port Chester, New York)

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MB Docket No. _____

RM- _____

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Federal Communications Commission
Office of Secretary

To: Office of the Secretary
Attn: Assistant Chief, Audio Division, Media Bureau

**PETITION FOR RULE MAKING
OF COX RADIO, INC.**

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SUMMARY

By this Petition for Rule Making (“Petition”), Cox Radio, Inc. (“Cox”) proposes to amend the FM Table of Allotments to provide first local service to a community. Cox proposes to reallocate Channel 244A from Stamford, Connecticut, to Port Chester, New York, for use by WKHL(FM) as Port Chester’s first local service. The proposal would provide first local service to the community of Port Chester and maintain local service in Stamford. Adoption of Cox’s proposal would achieve a preferential arrangement of allotments under the Commission’s allotment priorities. Accordingly, Cox respectfully requests that the Commission institute a rulemaking to amend Section 73.202(b), the FM Table of Allotments, as proposed herein.

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FM Broadcast Stations)	RM- _____
(Stamford, Connecticut and)	
Port Chester, New York))	

To: Office of the Secretary
Attn: Assistant Chief, Audio Division, Media Bureau

**PETITION FOR RULE MAKING
OF COX RADIO, INC.**

Cox Radio, Inc. ("Cox"), by its attorneys and pursuant to Section 1.420(i) of the Commission's Rules,¹ hereby respectfully submits this Petition for Rule Making ("Petition") requesting that the Commission institute a rulemaking to amend Section 73.202(b), the FM Table of Allotments, as proposed herein. By this Petition, Cox proposes to reallocate Channel 244A from Stamford, Connecticut, to Port Chester, New York, for use by WKHL(FM) as Port Chester's first local service.² Grant of the Petition would provide first local service to the community of Port Chester while maintaining local service in Stamford. As demonstrated herein, the proposed reallocation would achieve a preferential arrangement of allotments under the Commission's allotment priorities and would further the public interest.³

¹ 47 C.F.R. § 1.420(i).

² Cox Radio, Inc. is the licensee of WKHL(FM), Stamford, Connecticut.

³ See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, *Report and Order*, 4 FCC Rcd 4870, ¶ 25 (1989) ("*Community of License R&O*"), *recon. granted in part*, 5 FCC Rcd 7094 (1990);

continued...

I. PROPOSED REALLOTMENT OF CHANNEL 244A TO PORT CHESTER, NEW YORK.

The Petition proposes the reallocation of Channel 244A from Stamford, Connecticut, to Port Chester, New York for use by WKHL(FM) (the "Port Chester Proposal"). The Port Chester Proposal squarely meets the Commission's criteria for grant of a proposed amendment to the FM Table of Allotments. In *Modification of FM and TV Authorizations to Specify a New Community of License*, the Commission stated that it would approve petitions for rule making requesting a change in a station's community of license without affording other interested parties an opportunity to file competing expressions of interest if (i) the proposed channel is mutually exclusive with the existing channel and (ii) the proposed allotment plan would result in a preferential arrangement of allotments under the Commission's allotment priorities.⁴ To determine whether a proposal would result in a preferential arrangement of allotments, the Commission compares the proposed allotment plan and the existing state of allotments for the communities involved based on the FM allotment priorities.

As detailed below, the Port Chester Proposal satisfies the Commission's requirements. The proposed allotment of Channel 244A at Port Chester is mutually exclusive with WKHL(FM)'s present assignment of Channel 244A at Stamford, Connecticut.⁵ The grant of the

...continued

Revision of FM Assignment Policies and Procedures, *Second Report and Order*, 90 FCC 2d 88, ¶ 7 (1982). These priorities are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. The second and third priorities are given equal weight by the Commission.

⁴ *Community of License R&O*, 4 FCC Rcd 4870, ¶ 25 ("[W]e will compare the proposed allotment plan to the existing state of allotments for the communities involved. If adoption of the proposed allotment plan would result in a net service benefit for the communities involved (that is, if the plan would result in a preferential arrangement of allotments), we will adopt the proposal."). See also 47 C.F.R. § 1.420(i).

⁵ See Exhibit A (Technical Exhibit by du Treil, Lundin & Rackley, Inc. ("Technical Exhibit")).

Petition would provide Port Chester with its first local aural service and maintain local service to Stamford, thereby achieving a preferential arrangement of allotments. Upon the Commission's grant of the proposal, Cox will timely file an application to operate WKHL(FM) on Channel 244A at Port Chester.

A. Technical Compliance.

The Port Chester Proposal complies with the Commission's technical requirements.⁶ The channel substitution will be made at the existing transmitter site location for WKHL(FM) and, as a result, no gain or loss areas will be created.⁷ The Channel 244A Port Chester service area will maintain service to 1,153,000 persons over an area of 2,460 square kilometers (land and water).⁸ Operation from the proposed site would provide the requisite city grade coverage to Port Chester.⁹

WKHL(FM) is a pre-1964 grandfathered, short-spaced Class A station under Section 73.213.¹⁰ The Commission has allowed pre-1964 grandfathered, short-spaced stations to change their communities of license when no change is made to their transmitter sites or technical facilities because no new short-spacings were created, no existing short-spacings were exacerbated, and the potential for interference between the currently short-spaced stations was

⁶ *See id.*

⁷ *See id.*

⁸ *See id.*

⁹ *See id.* As shown on Figure 1, Sheet 2 of 2 of the Technical Exhibit, the Channel 244 facilities at the current site would encompass Port Chester with the requisite 70 dBu contour both under an analysis of the predicted 16.2 kilometer Class A contour and the station's actual 70 dBu coverage contour.

¹⁰ *See id.* WKHL(FM) is short-spaced to radio stations WQXR-FM, New York, New York; WTIC-FM, Hartford, Connecticut; WQHT(FM), New York, New York; and WTSX(FM), Port Jervis, New York under Section 73.213. *See* 47 C.F.R. § 73.213; Technical Exhibit.

not increased.¹¹ Under this Commission precedent, WKHL(FM) can, therefore, change its community of license to Port Chester, New York without losing its grandfathered status.

WKHL(FM) also would be short-spaced to radio station WHBE(FM), East Hampton, New York.¹² However, because WKHL(FM) did not initiate the short-spacing, the proposed Port Chester allotment should be considered fully-spaced for allotment purposes.¹³ The East Hampton station requested authorization from the Commission to be short-spaced to Channel 244A pursuant to Section 73.215 of the Commission's Rules, and the Commission has held that such short-spacings would not preclude consideration of the proposed allotment as fully spaced.¹⁴

No aural services are assigned to Port Chester,¹⁵ and accordingly, grant of Cox's Petition would provide Port Chester with its first local aural service and Stamford would remain served by WSTC(AM) and non-commercial station WEDW-FM, both of which are licensed to Stamford.¹⁶

B. Port Chester Is an Independent Community for Allotment Purposes.

Port Chester qualifies as a community for allotment purposes and merits a first local aural service preference. The Commission defines communities as "geographically identifiable

¹¹ See, e.g., *Worcester and Westborough, Massachusetts*, 18 FCC Rcd 23750 (2003); *Kankakee and Park Forest, Illinois*, 16 FCC Rcd 6768 (2001); *Oceanside and Encinitas, California*, 14 FCC Rcd 15302 (1999); *Newnan and Peachtree City, Georgia*, 7 FCC Rcd 6307 (1992).

¹² See Technical Exhibit.

¹³ See *Kankakee and Park Forest, Illinois*, 16 FCC Rcd 6768, ¶ 2 (2001) (stating that stations may "change their community of license where other stations had relocated their transmitters closer in to the station under Section 73.215" and the "pre-existing short-spacings do not preclude grant" of the proposal).

¹⁴ *Id.*

¹⁵ See Technical Exhibit.

¹⁶ See *id.*

population groupings”¹⁷ and considers whether the social, economic, and cultural organizations located in the community identify themselves with the community.¹⁸

Generally, if a community is located within an urbanized area or the proposed allotment would cover 50% or more of an urbanized area with a 70 dBu signal, the Commission will conduct the *Huntington* and *Faye and Richard Tuck* analysis (“*Huntington/Tuck* analysis”) to determine whether the proposed community of license is independent of the urbanized area and thus merits a first local service preference.¹⁹ WKHL(FM) currently is licensed to Stamford, which is located mostly within the Bridgeport/Stamford Urbanized Area, and WKHL(FM)’s existing 70 dBu contour encompasses 340 square kilometers, or 28%, and 335,000 persons, or 38%, of the Bridgeport/Stamford Urbanized Area and population and 20 square kilometers, or 0.2%, and 14,200 persons, or 0.08%, of the New York/Newark Urbanized Area and population.²⁰ WKHL(FM) proposes to change its community of license from Stamford to Port Chester, which also is located within the Bridgeport/Stamford Urbanized Area.²¹ However, because no change in the Channel 244A allotment reference point is proposed, WKHL(FM) will continue to cover 28% and 38% of the Bridgeport/Stamford Urbanized Area and population, respectively, and 0.2% and 0.08% of the New York/Newark Urbanized Area and population after it is reassigned to Port Chester.

¹⁷ *Strattanville and Farmington Township, Pennsylvania*, 15 FCC Rcd 23848, ¶ 5 (2000).

¹⁸ *See, e.g., id.*; *Dillsboro and Rosman, North Carolina*, 15 FCC Rcd 25562 (2000).

¹⁹ *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995); *Faye and Richard Tuck*, 3 FCC Rcd 5374 at ¶¶ 1-4 (1988); *Huntington Broadcasting Co. v. FCC*, 192 F.2d 33 (D.C. Cir. 1951).

²⁰ *See* Technical Exhibit.

²¹ *See id.*

As stated above, the Commission generally will conduct a *Huntington/Tuck* analysis when a proposed community is located within an urbanized area. The Commission does not require a *Huntington/Tuck* analysis, however, where the proponent proposes to move from one community within an urbanized area to another community within the same urbanized area.²² In particular, the Commission has not required a *Huntington/Tuck* analysis when a proponent proposed to move from one community partially within an urbanized area to another community partially within the same urbanized area.²³ As noted, WKHL(FM) proposes to change its community of license from Stamford, which is mostly within the Bridgeport/Stamford Urbanized Area, to Port Chester, which also is located within the same urbanized area. Thus, “the station is not ‘moving into’ an urbanized area, but is already serving the area,”²⁴ and therefore a *Huntington/Tuck* analysis is not required. In addition, because the reallocation involves no transmitter site change and WKHL(FM) will be providing the same amount of coverage to the Bridgeport/Stamford and New York/Newark Urbanized Areas, the Commission does not require a *Huntington/Tuck* analysis because the proposal does not constitute a migration to an urbanized area warranting application of that analysis.²⁵

²² See, e.g., *Worcester and Westborough, Massachusetts*, 18 FCC Rcd 23750, ¶ 3 (2003); *Auburn, Northport, Tuscaloosa, Camp Hill, Gardendale, Homewood, Birmingham, Dadeville, Orrville, Goodwater, Pine Level, Jemison, and Thomaston, Alabama*, 18 FCC Rcd 10333, ¶¶ 33, 34 (2003); *Greeley and Broomfield, Colorado*, 15 FCC Rcd 9519, ¶ 2 (2000); *Moncks Corner, Kiawah Island, and Sampit, South Carolina*, 15 FCC Rcd 8973, ¶ 17 (2000); *Boulder and Lafayette, Colorado*, 11 FCC Rcd 3632 (1996); *East Los Angeles, et al., California*, 10 FCC Rcd 2864 (1995).

²³ See *Joliet and Lemont, Illinois*, 19 FCC Rcd 3465, ¶ 5 (2004) (finding *Tuck* analysis not necessary when current and proposed communities are partially located within the same urbanized area and the 70 dBu signal would continue to encompass 9.5% of that urbanized area).

²⁴ *Shelby and Dutton, Montana*, 14 FCC Rcd 9514 (1999).

²⁵ See *Corinth, Scotia and Hudson Falls, New York*, 16 FCC Rcd 13305, ¶ 7 (2001).

Port Chester, New York qualifies as a community and merits a first local aural service preference. Port Chester is an incorporated village,²⁶ listed in the U.S. Census,²⁷ and thus meets the basic criteria for a community.²⁸ Moreover, Port Chester's local government and businesses identify themselves with the community of Port Chester and thereby create a cohesive network for the residents of the village.²⁹

Port Chester is an incorporated village³⁰ with a population of 27,867 persons according to the 2000 U.S. Census³¹ and occupies an area of 610 square kilometers.³² Port Chester has its own local government, which is headed by Mayor Gerald Logan and a seven-member board of trustees (including Mayor Logan).³³ The local government includes a Village Manager, the Village Clerk's office, and numerous departments, such as the Department of Finance,

²⁶ See Exhibit B (Port Chester History at <<http://www.portchesterny.com/hist.htm>>).

²⁷ See Exhibit B (U.S. Census Bureau at <<http://www.census.gov>>).

²⁸ See, e.g., *Pontotoc, Tennessee*, 11 FCC Rcd 14430, ¶ 15 (1996) (stating that the proposed community's incorporation and listing in the Census meet the Commission's basic criteria for a community); *Brookline, Missouri*, 10 FCC Rcd 13038, ¶ 4 (1995) ("While 'incorporation is not a prerequisite [for community status], and while a community need not have a clearly delineated area and population, it is no doubt correct to state that in most cases a community is a city, town, village, or other political subdivision'"); *Naples, Florida*, 41 RR 2d 1549, ¶ 11 (1977) (stating that the question of community status is "easily answered" "[i]f it is an incorporated community").

²⁹ See *Las Vegas and Rowe, New Mexico*, 16 FCC Rcd 2312, ¶ 3 (2001).

³⁰ See Exhibit B (Port Chester History at <<http://www.portchesterny.com/hist.htm>>).

³¹ See Exhibit B (U.S. Census Bureau at <<http://www.census.gov>>).

³² See Exhibit B (OfficialCitySites.org: Port Chester at <<http://www.officialcitysites.org>>).

³³ See Exhibit B (Port Chester Government at <<http://www.portchesterny.com/Govt/govt.htm>>; A Message from Mayor Gerald Logan at <<http://www.portchesterny.com/Trustees/mayor.htm>>; Port Chester Board of Trustees at <<http://www.portchesterny.com/Trustees/trustee.htm>>).

Department of Public Works, Law Department, Building Department, and Youth Bureau.³⁴ Port Chester has a police department led by Chief Joseph Krzeminski³⁵ and a fire department commanded by a volunteer Chief and two Assistants and consisting of career staff and approximately 300 volunteers.³⁶ Port Chester's Department of Public Works oversees the village's sanitation, recycling, and "Good Neighbor" sidewalk replacement programs.³⁷ Port Chester has a hospital, the New York United Hospital Medical Center,³⁸ and provides emergency medical services through the Port Chester-Rye-Rye Brook Volunteer Ambulance Corps.³⁹ Port Chester has an official website⁴⁰ and its own post office.⁴¹

Port Chester offers its residents a variety of community and cultural resources. Port

³⁴ See Exhibit B (Port Chester Government at <<http://www.portchesterny.com/Govt/govt.htm>>; Port Chester Village Manager at <<http://www.portchesterny.com/Govt/Manager/manager.htm>>; Port Chester Village Clerk's Office at <<http://www.portchesterny.com/Govt/Clerk/clerk.htm>>; Port Chester Finance Department at <<http://www.portchesterny.com/Govt/Finance/finance.htm>>; Port Chester Department of Public Works at <<http://www.portchesterny.com/Govt/DPW/dpw.htm>>; Port Chester Law Department at <<http://www.portchesterny.com/Govt/Law/law.htm>>; Port Chester Building Department at <<http://www.portchesterny.com/Govt/Building/build.htm>>; Port Chester Youth Bureau at <<http://www.portchesterny.com/Govt/YB/youth.htm>>).

³⁵ See Exhibit B (Port Chester Police Department at <<http://www.portchesterny.com/Govt/police.htm>>).

³⁶ See Exhibit B (Port Chester Fire Department at <[http://www.portchesterny.com/Govt/FD/fire\(1\).htm](http://www.portchesterny.com/Govt/FD/fire(1).htm)>). The Port Chester Fire Department responds to emergencies in the villages of Port Chester and Rye Brook.

³⁷ See Exhibit B (Port Chester Department of Public Works at <<http://www.portchesterny.com/Govt/DPW/dpw.htm>>).

³⁸ See Exhibit B (New York United Hospital Medical Center at <<http://www.uhmc.com/>>).

³⁹ See Exhibit B (Ambulance Corps at <<http://www.portchesterny.com/Govt/ems.htm>>). The Port Chester-Rye-Rye Brook Volunteer Ambulance Corps also serves the village of Rye Brook and the city of Rye. See *id.*

⁴⁰ See Exhibit B (Welcome to Port Chester, N.Y at <<http://www.portchesterny.com/>>).

⁴¹ See Exhibit B (Post Office Locator at <<http://www.usps.gov>>).

Chester has a public library,⁴² its own public school district with six schools,⁴³ a 2100 square-foot water playground and a picnic pavilion,⁴⁴ and a senior community center.⁴⁵ Port Chester also has numerous non-profit and charitable organizations,⁴⁶ such as the Port Chester Even Start Family Literacy Partnership and Hope House,⁴⁷ as well as at least twenty places of worship representing at least nine religions.⁴⁸ Port Chester's Youth Bureau arranges after-school programs for youth,⁴⁹ and Port Chester's Recreation Department provides recreational and cultural opportunities for village residents of all ages, such as a six-week day camp program for first- through sixth-grade students, a weekly karate program for children, morning and evening workout classes for adults, a seniors nutrition program, and recreation and summer camp programs for persons with disabilities.⁵⁰ Port Chester events include Halloween in the Park, the Annual Coat Drive (coat collection for those in need), Santa in the Park, and a Christmas Tree

⁴² See Exhibit B (The Port Chester Public Library at < <http://www.portchesterlibrary.org/>>).

⁴³ See Exhibit B (Port Chester Public Schools at < <http://www.portchesterschools.org/>>).

⁴⁴ See Exhibit B (Message from the Mayor at <<http://www.portchesterny.com/Govt/Recreation/fallwinter/mayorrec.htm>> (directed to residents)).

⁴⁵ See Exhibit B (Port Chester News at <<http://www.portchesterny.com/news.htm>>).

⁴⁶ See Exhibit B (Guide Star Pages at <<http://www.guidestar.org/>>).

⁴⁷ See Exhibit B (Computer Bank Non-Profit Organization List at <<http://www.westchestergov.com/westchesteraccess/orglist.asp>>).

⁴⁸ See Exhibit B (Port Chester – Rye Brook Chamber of Commerce Worship at <<http://www.portchesterryebrookchamber.com/inside/worship.html>>).

⁴⁹ See Exhibit B (Port Chester Youth Bureau at <<http://www.portchesterny.com/Govt/YB/youth.htm>>).

⁵⁰ See Exhibit B (Port Chester Recreation at <<http://www.portchesterny.com/Govt/Recreation/rec.htm>>; Port Chester Youth Activities at <<http://www.portchesterny.com/Govt/Recreation/fallwinter/youth.htm>>; Port Chester Adult Activities at <<http://www.portchesterny.com/Govt/Recreation/fallwinter/adult.htm>>; Port Chester Senior Citizen Activities at <<http://www.portchesterny.com/Govt/Recreation/fallwinter/senior.htm>>; Port Chester Special

continued...

Lighting Ceremony.⁵¹ In addition, Port Chester has a local chamber of commerce office,⁵² top-rated restaurants in its Restaurant Row,⁵³ and a variety of businesses, a number of which identify themselves with the name of the village, such as the Bagel Emporium of Port Chester, Port Chester Auto Body, Port Chester Florist, and Port Chester Heating and Cooling.⁵⁴

In light of the strong indicia of a nexus between the community and its political, social and commercial organizations, the village of Port Chester clearly merits community status for FCC allotment purposes. A grant of the proposal would provide first local aural service to the residents of Port Chester while maintaining local service at Stamford and thus achieve a preferential arrangement of allotments.

II. CONCLUSION

The Petition presents a proposal that would achieve a preferential arrangement of allotments as compared with the current allotment scheme. The Commission has stated, "If adoption of the proposed allotment plan would result in a net service benefit for the communities involved (that is, if the plan would result in a preferential arrangement of allotments), we will adopt the proposal."⁵⁵

...continued

Population Programs at
<<http://www.portchesterny.com/Govt/Recreation/fallwinter/special.htm>>).

⁵¹ See Exhibit B (Port Chester Special Events at
<<http://www.portchesterny.com/Govt/Recreation/fallwinter/events.htm>>).

⁵² See Exhibit B (The Port Chester-Rye Brook Chamber of Commerce at
<<http://www.portchesterryebrookchamber.com/>>).

⁵³ See Exhibit B (Welcome to Port Chester, N.Y. at <<http://www.portchesterny.com/>>; A Message from Mayor Gerald Logan at <<http://www.portchesterny.com/Trustees/mayor.htm>>; Port Chester History at <<http://www.portchesterny.com/hist.htm>>).

⁵⁴ See Exhibit B (Yahoo! Yellow Pages for Port Chester at <<http://www.yahoo.com>>).

⁵⁵ *Community of License R&O*, 4 FCC Rcd 4870, ¶ 25.

Grant of the Petition would provide Port Chester with a first local service and maintain local service at Stamford. In contrast, the existing set of allotments does not provide a local service to Port Chester. Grant of the Petition would result in a "net gain" of first local service to one community without loss of local service to any other community involved. Accordingly, examination of the Petition according to the FM allotment priorities and resulting public interest benefits clearly weighs in favor of granting the Petition.

III. SUMMARY OF PROPOSED AMENDMENTS TO TABLE OF ALLOTMENTS

In light of the foregoing, the Commission should issue a *Notice of Proposed Rule Making* proposing to implement the following amendments to the FM Table of Allotments:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Stamford, CT	244A	----
Port Chester, NY	----	244A

Respectfully submitted,

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December 28, 2004

EXHIBIT A

Technical Exhibit of duTreil, Lundin & Rackley, P.C.

TECHNICAL EXHIBIT
PETITION FOR RULE MAKING

Technical Narrative

This Technical Exhibit, of which this Narrative is part, proposes an FM Rule Making to modify the Commission's Table of Allotments contained within Section 73.202 within the Commission's Rules.

All population data, unless otherwise noted, is based upon the 2000 Housing and Population Census. The determination of available reception services was based on the criteria set forth in footnote 1 of the Notice of Proposed Rule Making in MM Docket No. 96-219 (DA 96-1774; adopted October 25, 1996, released November 1, 1996). Urbanized area definitions are based upon the 2000 Census.

Summary of Rule Making Proposal

Below is a summary of the allocation changes requested in the Rule Making.

- Delete 244A at Stamford, Connecticut and allot Channel 244A at Port Chester, New York.

Proposed Channel 244A Port Chester, New York

It is proposed to delete Channel 244A at Stamford, Connecticut and allot Channel 244A at Port Chester, New York. Stamford would continue to have transmission service from WEDW-FM on Channel 203A and WSTC(AM) on 1400 kilohertz. The Port Chester proposal is mutually exclusive with the current Stamford allotment.

No change in site reference coordinates is proposed. Therefore, no loss or gain areas are created. The Channel 244A Port Chester service area will maintain service to 1,153,000 persons over an area of 2,460 square kilometers (land and water). Operation from the site will encompass Port Chester with the requisite 70 dBu contour.

The reference site does not comply with the Commission's minimum distance separation requirements. As noted on Sheet 1 of Figure 1, the five short-spacings, as defined by Section 73.207 of the Commission's Rules, are to (1) WQXR-FM on Channel 242B at New York, New York, (2) WTIC-FM on Channel 243B at Hartford, Connecticut, (3) WQHT(FM) on Channel 246B at New York, New York, (4) WTSX(FM) on Channel 244A at Port Jervis, New York and (5) WHBE(FM) on Channel 244A at East Hampton, New York. Based upon available information from the FCC public access files, the first three short-spacings appear to be classified under Section 73.213(a); WTSX(FM) appear to be classified under Section 73.213(c); and WHBE(FM) initiated a Section 73.215 short-spacing to Channel 244A at Stamford. Therefore, it appears that all the short-spacings are either classified under Section 73.213 of the Commission's Rules or were initiated by another station.

The existing 70 dBu contour of Channel 244A at Stamford, Connecticut encompasses 340 square kilometers, or 28%, and 335,000 persons, or 38%, of the Bridgeport/Stamford urbanized area and population. The existing 70 dBu contour of Channel 244A at Stamford, Connecticut encompasses 20 square kilometers, or 0.2%, and 14,200 persons, or 0.08%, of the New York/Newark urbanized area and population.

Since there is no change in the Channel 244A allotment reference point, Channel 244A at Stamford will continue to maintain the same encompassment of the New York/Newark and Bridgeport/Stamford urbanized areas. The village of Port Chester is located within the Bridgeport/Stamford urbanized area as is most of the city of Stamford.

Below are the Channel 244A Port Chester reference site geographic coordinates:

41° 02' 49" North Latitude
73° 31' 36" West Longitude

The village of Port Chester has a population of 27,867 persons.

Proposed Modifications to Table of Allotments

This proposal provides for the following allotment changes to Section 73.202, The Commission's Table of FM Allotments.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Stamford, CT	244A	-----
Port Chester, NY	----	244A

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December 10, 2004

TECHNICAL EXHIBIT
PETITION FOR RULE MAKING

Channel 244A Port Chester, New York Allocation Study

41° 02' 49" North Latitude
73° 31' 36" West Longitude

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist. (km)	Req. (km)
WQXR-F 29022	NEW YORK NY	BLH LIC C 19940204KG	242B 96.3	6 415	40-44-54 073-59-10	N 229.5	50.98	69.0
(Existing 73.213(a) allocation)								
WTIC-F 66465	HARTFORD CT	BMLH LIC C 19890803KA	243B 96.5	20 247	41-46-27 072-48-20	N 36.4	100.79	113.0
(Existing 73.213(a) allocation)								
WKHL 10659	STAMFORD CT	BLH LIC C 19860131KF	244A 96.7	3 100	41-02-49 073-31-36	N 107.8	0.00	
(Applicant's subject facility.)								
WTSX 53036	PORT JERVIS NY	BLH LIC C 4949	244A 96.7	3 91	41-22-24 074-43-49	N 290.2	107.26	115.0
(Existing 73.213(c) allocation.)								
WHBE 18218	EAST HAMPTON NY	BLH LIC C 19930223KA	244A 96.7	4.3 117	40-59-37 072-10-19	Y 92.5	114.10	115.0
(WHBE(FM) is Section 73.215 authorized facility toward Channel 244A at Stamford, CT)								
WRRB 10780	ARLINGTON NY	BMLH LIC C 20001002AHL	245A 96.9	0.31 307	41-43-09 073-59-47	N 332.5	84.37 12.37	72.0 Close
WQHT 19615	NEW YORK NY	BMLH LIC C 19950630KC	246B 97.1	6.7 408	40-44-54 073-59-10	229.5	50.98	69.0
(Existing 73.213(a) allocation)								

Figure 1
Sheet 2 of 2



PROPOSED PORT CHESTER 70 dBu

COVERAGE CONTOUR

PETITION FOR RULE MAKING

du Treil, Lundin & Rackley, Inc., Sarasota, Florida

EXHIBIT B

Port Chester, New York

HOME PAGE**NEWS****MAYOR'S MESSAGE****BOARD OF
TRUSTEES****GOVERNMENT****PORT CHESTER'S
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Wandering tribes of Mohegan Indians were the earliest inhabitants of the area known today as Rye Town and the Village of Port Chester. The first white settlers were a group of enterprising young men and women who came from the English colony of Connecticut in 1660. After land purchases from the Indians, negotiated mostly by Peter Disbrow, they settled on the island of "Manussing," for which they had paid "eight cotes and seven shirts fifteen fathom of womone." Although the land was part of the territory claimed by the Dutch, the defiant colonists drew up a proclamation in 1662 declaring allegiance to Charles of England. Through further treaties with the Indians, their combined holdings soon comprised all of what is now the City of Rye, Town of Rye, Harrison, White Plains and parts of Greenwich, North Castle and Mamaroneck. In 1665 the General Court of Connecticut merged the settlement under the name of Rye, in honor of a prominent family among the early colonists who has come from Rye, England.

For nearly one hundred years, Rye was disputed territory between New York and Connecticut, until finally, in 1788, the New York State legislature officially established the Town of Rye boundaries. The group of settlers moved outward from Manursing Island and eventually developed Peningo Neck (the present business section of the City of Rye) and "Saw Pit" as Port Chester was commonly called then. Saw Pit (also know as Saw Pits and Saw Pit Landing)," was named for the saw-mill and boat building shop near the mouth of the Byram River where the community evolved. It was little more than a hamlet until near the Revolutionary War period. But with its good harbor and growing shipbuilding industry, the port became a natural outlet for farm produce from the surrounding countryside.

During the Revolutionary War, Saw Pit was an important military outpost. Both armies vied for possession of the port, and the village was nearly destroyed in the crossfire. In 1776, American General Israel Putnam used the Bush Homestead, in what is now John Lyon Park, as his headquarters. When the clamor of the Revolution settled, the area was rebuilt and its shipping and shipbuilding industries prospered. Before long it had become an important steamboat stop, the eastern "port of Westchester." The name Port Chester was adopted in 1837. On May 4, 1868, Port Chester was incorporated as a village with specified limits within the Town of Rye.

The decline in agriculture and shipping came during the latter half of the 19th century, with the establishment of major railroads. Gradually the community changed from a port and trading center to a manufacturing center. By 1950, Port Chester was among the leading factory towns in the Lower Hudson Valley. Many well-known corporations had headquarters or production centers in the village, including Life Savers, Empire Brush Works, Arnold Bread, Fruit of the Loom and Russell Burdsall Nut & Bolt Co. On evenings and weekends, Port Chester's downtown hummed with vitality, as residents of



**BUSH HOMESTEAD
(HISTORIC
LANDMARK)**



**WORLD WAR
MEMORIAL**



**SOUTH MAIN STREET
FIREHOUSE
(HISTORIC
LANDMARK)**



**LIFESAVERS
BUILDING, THEN
AND NOW
(HISTORIC
LANDMARK)**

neighboring towns flocked to the village's stores and restaurants. During the 1970s, most of the factories began to move south or west. Like many other manufacturing communities in the Northeast, Port Chester struggled with a declining economic base. In 1984, Lifesavers shut down its North Main Street factory after 64 years, the last major manufacturer to leave the village.

Since then, Port Chester has revitalized itself with a growing retail and service economy. Port Chester's downtown Restaurant Row is renowned throughout the region, offering cuisine from around the world in dozens of top-rated establishments. "The Waterfront at Port Chester" retail center will bring several well-known stores and a multiplex movie theater to the Byram River shore. Costco Shoppers Warehouse was the first store to open last summer. On the horizon are Bed, Bath & Beyond, Super Stop & Shop, Marshall's and several others. Port Chester's prodigious industrial growth during the first half of the 20th Century attracted large numbers of European immigrants, primarily from Italy, Germany, Poland and Ireland. Similarly, newcomers from Central and South America and the Caribbean have helped to fuel the village's recent revival. Latino-owned stores and restaurants have helped bring customers of all ethnic groups back to Main Street and Westchester Avenue.



**CIVIL WAR
MEMORIAL**



**GIRL SCOUT
HOUSE (HISTORICAL
LANDMARK)**



U.S. Census Bureau
American FactFinder

10 Years on the Web

DP-1. Profile of General Demographic Characteristics: 2000

Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data

Geographic Area: **Port Chester village, New York**

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://factfinder.census.gov/home/en/datanotes/expsf1u.htm>.

Subject	Number	Percent
Total population	27,867	100.0
SEX AND AGE		
Male	14,103	50.6
Female	13,764	49.4
Under 5 years	1,947	7.0
5 to 9 years	1,724	6.2
10 to 14 years	1,567	5.6
15 to 19 years	1,772	6.4
20 to 24 years	2,263	8.1
25 to 34 years	5,145	18.5
35 to 44 years	4,662	16.7
45 to 54 years	3,218	11.5
55 to 59 years	1,117	4.0
60 to 64 years	849	3.0
65 to 74 years	1,765	6.3
75 to 84 years	1,290	4.6
85 years and over	548	2.0
Median age (years)	34.0	(X)
18 years and over	21,600	77.5
Male	10,777	38.7
Female	10,823	38.8
21 years and over	20,446	73.4
62 years and over	4,087	14.7
65 years and over	3,603	12.9
Male	1,384	5.0
Female	2,219	8.0
RACE		
One race	25,964	93.2
White	16,914	60.7
Black or African American	1,949	7.0
American Indian and Alaska Native	112	0.4
Asian	573	2.1
Asian Indian	238	0.9
Chinese	97	0.3
Filipino	125	0.4
Japanese	31	0.1
Korean	24	0.1
Vietnamese	5	0.0
Other Asian ¹	53	0.2
Native Hawaiian and Other Pacific Islander	11	0.0
Native Hawaiian	2	0.0
Guamanian or Chamorro	5	0.0
Samoan	1	0.0
Other Pacific Islander ²	3	0.0
Some other race	6,405	23.0
Two or more races	1,903	6.8
Race alone or in combination with one or more other races ³		